

ASSEMBLY BILL

No. 1010

Introduced by Assembly Member Furutani

February 18, 2011

An act to amend Section 633 of the Penal Code, relating to law enforcement.

LEGISLATIVE COUNSEL'S DIGEST

AB 1010, as introduced, Furutani. Law enforcement: communications.

Existing law prohibits a variety of electronic eavesdropping, such as wiretapping and electronic recording that is done without a person's permission or knowledge. Existing law provides that violations of these provisions are crimes. Existing law exempts a variety of law enforcement entities from these prohibitions when acting within the scope of their authority.

This bill would add to the list of law enforcement entities exempted from these prohibitions, a city attorney acting under the authority granted by the district attorney of the county to prosecute misdemeanors, as specified, provided that the authorization is granted prior to January 1, 2012.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 633 of the Penal Code is amended to
- 2 read:
- 3 633. (a) Nothing in Section 631, 632, 632.5, 632.6, or 632.7
- 4 prohibits the Attorney General, any district attorney, or any

1 assistant, deputy, or investigator of the Attorney General or any
2 district attorney, any officer of the California Highway Patrol, any
3 chief of police, assistant chief of police, or police officer of a city
4 or city and county, any sheriff, undersheriff, or deputy sheriff
5 regularly employed and paid in that capacity by a county, police
6 officer of the County of Los Angeles, *a city attorney acting under*
7 *the authority of Section 41803.5 of the Government Code, provided*
8 *that authority is granted prior to January 1, 2012*, or any person
9 acting pursuant to the direction of one of these law enforcement
10 officers acting within the scope of his or her authority, from
11 overhearing or recording any communication that they could
12 lawfully overhear or record prior to the effective date of this
13 chapter.
14 ~~Nothing~~
15 (b) *Nothing* in Section 631, 632, 632.5, 632.6, or 632.7 renders
16 inadmissible any evidence obtained by the above-named persons
17 by means of overhearing or recording any communication that
18 they could lawfully overhear or record prior to the effective date
19 of this chapter.